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14 IN THE UNITED STATES DISTRICT COURT
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16 EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21
22 GRAHAM HETTINGER,
23 Defendant.

CASE NO. 2:21-cr-00215-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: August 1, 2023
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

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STIPULATION

24 Plaintiff United States of America, by and through its counsel of record, and defendant Graham
25 Hettinger, by and through his counsel of record, hereby stipulate as follows:

26 1. By previous order, this matter was set for status on August 1, 2023.

27 2. By this stipulation, the defendant now moves to continue the status conference until

28 **October 31, 2023, at 09:00 a.m.**, and to exclude time between August 1, 2023, and October 31, 2023,
under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case includes more than 600 pages of
documents, photographs, investigative reports, and other materials. All of this discovery has
either been produced directly to counsel or else made available for inspection and copying.

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1 b) Counsel for the defendant desires additional time to consult with his client,
2 analyze and discuss previously produced discovery with his client, collect and present
3 information to the government regarding his client's medical condition, and otherwise prepare
4 for trial. Counsel for the defendant is also unavailable for court appearances for numerous weeks
5 in August and September.

6 c) Counsel for the defendant believes that failure to grant the above-requested
7 continuance would deny him the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence. Counsel for the defendant also believes that failure to
9 grant the above-requested continuance would deny the defendant continuity of counsel.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of August 1, 2023, to October 31,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at the defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

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5 IT IS SO STIPULATED.

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7 Dated: July 28, 2023

PHILLIP A. TALBERT
United States Attorney

9 _____
10 /s/ SAM STEFANKI
11 SAM STEFANKI
12 Assistant United States Attorney

13 Dated: July 28, 2023

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15 /s/ PATRICK HANLY
16 PATRICK HANLY
17 Counsel for Defendant
18 GRAHAM HETTINGER

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20 **ORDER**

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22 IT IS SO FOUND AND ORDERED.

23 Dated: July 28, 2023

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25 /s/ John A. Mendez
26 THE HONORABLE JOHN A. MENDEZ
27 SENIOR UNITED STATES DISTRICT JUDGE